

## REMARKS

### ***Preliminary Remarks***

The Office Action of May 31, 2005 has been received and its contents carefully noted. In reply, claims 1, 2, 5, 6, 14, 16, 17, 19, 20, 23-26, 28-33, 37, and 43 have been amended. No new matter is added by this Amendment, which is supported by at least Figures 1, 2, 3, 4, 5, and 6 and at least pages 6-9 of the specification.

Pursuant to MPEP 714.13, Applicants contend that entry of this Amendment is proper under 37 C.F.R. 1.116 because it (a) places the application in *prima facie* condition for allowance for the reasons discussed herein; (b) does not raise new issues requiring further search and/or consideration by the Examiner because similar subject matter was previously considered by the Examiner and thus further consideration and/or search by the Examiner is not warranted; (c) does not present any additional claims without canceling a corresponding number of finally rejected claims; (d) places the application in better form for appeal, should an appeal be necessary; and/or (e) responds to formal matters set forth by the Examiner.

Entry of this Amendment with reconsideration and timely withdrawal of all pending objections and/or rejections is respectfully requested. Upon entry of this Amendment, claims 1-17 and 19-43 will be pending, as claim 18 is cancelled without prejudice or disclaimer.

All pending claims now being in condition for allowance, the Examiner is respectfully requested to pass the application to issue.

**35 U.S.C. § 103 Rejection**

Claims 1, 8-13, 24-32, and 35-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 5,548,506 to Srinivasan ("Srinivasan") in view of U. S. Patent No. 6,223,177 to Tatham ("Tatham"). Claims 2-7 and 14-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Srinivasan in view of Tatham, and in further view of "Workgroup Automation Tools for End Users" (Software Review: Office IQ) ("Workgroup"). These rejections are moot in view of the amendments made to allowable independent base claims 1 and 32, and further in view of the cancellation of claim 18 without prejudice or disclaimer.

Moreover, Applicants contend that none of the cited references, whether alone or in combination, teach, disclose, or suggest each and every element of revised independent claim 1, which recites in pertinent part:

a computer;

an administrator executable by the computer, wherein the administrator manages automating the business process and comprises an organization manager, a role/group manager, an authority manager, a process manager, and a folder manager;

a process designer executable by the computer, wherein the process designer determines flows and properties of the business process and defines an activity that is performed in the business process;

a database accessible by both the administrator and the process designer, wherein the database stores organization information, authority information, and folder information relating to the business process;

a process engine executable by the computer, wherein the process engine executes the business process and allocates the activity to the participant, monitors a start and end of the activity, facilitates storing a result of the activity, and/or interfaces with the database, another workflow engine, and/or a business application program;

a web client, that interfaces with the process engine, the another workflow engine, and/or the business application program, and wherein the web client permits a user to interact with the system; and

a form generator executable by the computer, wherein the form generator designs and operates an electronic form related to the business process, and wherein the form generator interfaces with the database, the process designer, the process engine, the web client, and/or the business application program.

In particular, the combination of cited references fails to disclose or suggest at least the "administrator" and "form generator" as fully claimed. These elements are mentioned for the Examiner's consideration merely as examples, it being understood that the basis for the patentability of claim 1 and its dependent claims 2-17 and 19-31 is based on the *totality of features* recited therein, that patentability may not reside in each feature exactly as expressed in the claims, and that each feature may not be required for patentability of each claim.

Additionally, Applicants contend that none of the cited references, whether alone or in combination, teach, disclose, or suggest each and every element of revised independent claim 32, which recites in pertinent part:

modeling the business process, wherein the step of modeling includes generating an organization chart;

defining an activity that is performed in the business process;

accessing from a database, organization information, authority information, and/or folder information relating to the business process;

executing the business process, wherein the step of executing the business process includes allocating the activity to a participant, and designing and creating an electronic form related to the business process; and

monitoring the business process, wherein the step of monitoring the business process comprises monitoring a start and end of the activity, facilitating storing a result of the activity, and/or interfacing with a workflow program and/or business application program.

In particular, the combination of cited references fails to disclose at least "generating an organization chart" and "creating an electronic form related to the business process", as fully claimed. These elements are mentioned for the Examiner's consideration merely as examples, it being understood that the basis for the patentability of claim 32 and its dependent claims 33-43 is based on the *totality of features* recited therein, that patentability may not reside in each feature exactly as expressed in the claims, and that each feature may not be required for patentability of each claim.

### ***Dependent Claims***

Dependent claims 2-17, 19-31, and 33-43 are allowable over the combination of cited references at least by virtue of their respective dependencies from one of allowable base claims 1 and 32, as well as for their recited features. Accordingly, it is respectfully requested that all pending objections and/or rejections of claims 2-17, 19-31, and 33-43 be withdrawn and these claims passed to allowance and issue.

### ***Other Matters***

Applicants note that the present office action repeats verbatim all or substantially all of the prior rejections made in the Office Actions dated May 2, 2003 and October 17, 2003, and that most of the 32 pages of rejections set forth in the present Office Action continue to be difficult to read and/or understand. Moreover, several of the rejections improperly relied on *inferences* allegedly drawn from the combination of cited references. *See for example*, page 3, lines 1 and 2 ("organizational" infers that ....), page 10, lines 3-4 (reference's "messaging" function infers availability of a program....), page 10, lines 17-18 (wherein "network operating system" infers a program or module....). The correct test is whether a claimed element is

*inherent* in one or more of the references. Consequently, it is respectfully contended that each of the "inferred" rejections is actually based on hindsight reasoning, which is impermissible.

Applicants have also considered the Examiner's Response to Arguments section, which spans pages 27-33 of the present Office Action, and do not acquiesce in any of the responses made by the Examiner, which are now moot in view of the amendments made to allowable independent claims 1 and 32.

### CONCLUSIONS

Applicants submit that a full and complete response has been made to the pending Office Action and respectfully submit that all of the stated objections and/or grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is thus respectfully requested to pass the above application to issue.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicants' undersigned representative at the number below to expedite prosecution. Prompt and favorable consideration of this **Reply and/or Amendment** is respectfully requested. Applicants respectfully request that a timely Notice of Allowance be issued for this application.

Respectfully submitted,



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